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No. 99-833

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SUPREME COURT, U.S.

In The
Supreme Court of the United States

Patrick Dain,

Petitioner,

v.

COUNTY OF VENTURA,
and
RONALD KOMERS, AS AN INDIVIDUAL AND AS FORMER PERSONNEL DIRECTOR OF THE COUNTY OF VENTURA,
and
BARBARA JOURNET, AS AN INDIVIDUAL AND PERSONNEL DIRECTOR OF THE COUNTY OF VENTURA,
AND DOES 1-10, INCLUSIVE,

Respondents.

On Petition for Writ of Certiorari to the
California Court of Appeal, Second Appellate District

REPLY TO BRIEF IN OPPOSITION

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California Constitution of 1849, Art. I, Sec. 4 1

I. RELIGIOUS RIGHTS ARE PROTECTED BY BOTH THE STATE AND FEDERAL CONSTITUTIONS.

This case is sui generis in nature and the issues contained have not been heard by the Court. Our Forefathers had the insight to recognize that religious beliefs were and would continue to be important issues to the Citizens of our Republic. Religious rights were/are so significant to a free society that the Forefathers included them in the First Amendment. Likewise, the authors of the California State Constitutions recognized these rights as well and included them as part of the State Constitutions, see *Constitution of California, 1879, Article I, Section 4, Constitution of California, 1879, Article I, Section 8, and California Constitution of 1849, Article I, Section 4.*

The Respondents argue that every appellate decision to consider this issue has rejected first amendment challenges to required utilization and submission of a social security number. The Respondents obviously have not familiarized themselves with Petitioner's pleadings. Several courts have held that the government has improperly applied the use of Social Security Numbers in the conduct of its business. In *Leahy v.District of Columbia,* (D.C. Cir. 1987) 833 F.2d 1046, 1048-1049, a religious rights case, the court held that the requirement of providing an SSN was not the least restrictive means of serving a governmental interest.

The Respondents continually mention *Bowen v. Roy,* 476 U.S. 693, 699-701 (1986) as their best attempt to argue their position. In the instant case, Petitioner does not have a social security number because of his strong sincere religious belief that it is the mark of the beast as prophesied in the Book of Revelation of the Holy Bible. Petitioner refuses to

participate in the Federal Social Security benefit scheme. Respondents claim that they can apply a Social Security Number to Petitioner because *Bowen, supra,* states that to receive welfare benefits, the applicant must provide the number. That is not the case here as Petitioner refuses all benefits associated with such numbers. The instant case and *Bowen, supra,* are thus, distinguishable. The Constitutions protect the rights of Citizens by keeping tight reigns on the government. *Bowen, supra,* simply states that if one volunteers to participate in a government benefit program scheme (a privilege), one must follow the government's rules and guidelines of the voluntary program. *Bowen, supra,* does not state that the Social Security Benefit scheme is a mandatory program. Petitioner is demanding that the Respondents cease from their disregard and malice for the Constitution. Respondents' contention is that they are above God and the Constitution.

Since the filing of this cause of action, Respondents have "enrolled" Petitioner in Medicare, another Federal Benefits scheme. Respondents did this against Petitioner's strong objections and notice of refusal to participate in the program. Petitioner gave notice to Respondents that all Federal benefit programs are voluntary. Respondents advised Petitioner that the program was mandatory, the same as Social Security.

Religious rights were also sustained in the landmark case, *Callahan v. Woods,* (9th Cir. 1981) 658 F. 2d 679, 683 and *Stevens v. Berger,* (E.D.N.Y.) 1977) 428 F.Supp. 896, 901). These courts and others have discussed how the government can attain its goals without the use of the Social Security Number mark of the beast. Laws requiring the use of Social Security Numbers cannot be neutral if they violate basic religious tenants forbidden by the Holy Bible. In

I Chronicles, Chapter 21, King David numbered Israel in a similar fashion that our government is numbering in this country. King David and the nation of Israel suffered the wrath of God for this "numbering". Are we not to follow and take counsel from the Holy Scriptures that serve as the foundation for the laws of our Republic?

II. THE UNITED STATES SUPREME COURT HAS JURISDICTION.

28 U.S.C. § 1257 states in pertinent part:

> (a) Final judgement or decree rendered by the Highest Court in which a decision could be had, may be reviewed by the Supreme Court by writ of certiorari where the validity of a statute of any state is drawn in question on the grounds of it being repugnant to the Constitution, treaties, or laws of the United States.

Respondents contend that the present case is solely a matter of state law and the case has been thoroughly briefed and argued at all levels. Respondents have created new law by not following state and federal law. There is no law requiring anyone to have a Social Security Number to live or work in the United States. Federal and state issues and laws are inextricable in this case. The various treaty violations compound the problem for Respondents.

The issues at hand have not been argued at all levels. To the contrary, Petitioner was not afforded reasonable time to argue his case before the trial court because the trial judge did not want to hear the issues being raised. From that point, Respondents enjoyed an assembly line rubber stamping of the trial court's dismissal.

III. INTERNATIONAL TREATIES PROTECT RELIGIOUS RIGHTS.

Respondents do not argue that they have not committed the violations of International law. Rather, they argue that there is no reportable case to apply here. We agree and admit that this case is an excellent opportunity for the Court to render a decision in an area of concern which touches the lives of every man, woman and child in the United States.

CONCLUSION

This case presents very serious religious rights issues that effect most Americans on a daily basis. Petitioner respectfully requests this Court grant Certiorari to review the issues.

Respectfully submitted,

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